

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	
Telecommunications Act of 1996)	CC Docket. 94-129
)	
Policies and Rules Concerning)	
Unauthorized Changes of Consumers)	
Long Distance Carriers)	

REPLY COMMENTS OF SBC COMMUNICATIONS

SBC Communications, Inc (“SBC”) hereby files these reply comments in response to the Public Utilities Commission of Ohio (“Ohio”) comments filed in the foregoing docket.¹

Ohio supports the Commission’s proposals set forth in the *Further Notice*. SBC will not belabor these issues here as SBC fully demonstrated in its opening comments that none of the Commission’s suggested requirements are necessary. The existing TPV requirements are more than adequate to accomplish the sole purpose of a third party verification (“TPV”) which is to confirm a customer’s desire to make a carrier change. This is evidenced by the fact that the overwhelming majority of carrier changes are completed without consumer complaint, including carrier changes in Ohio. Adoption of these requirements would only prove counterproductive. They would duplicate existing TPV requirements and/or information necessarily conveyed during the sales solicitation, significantly lengthen an already time-consuming verification process, increase customer confusion and frustration, and unnecessarily increase carrier costs.

Additionally, Ohio requests expansion of the TPV requirements to include the following:

- 1) the total price for the service and the price for each separate service, 2) the approximate

¹ Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, *Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking*, CC Docket No.94-129 (rel. March 17, 2003)(*Further Notice*).

service commencement date, 3) the length of the contract term, if applicable, and contract termination date, 4) material limitations, conditions or exclusions, 5) fees or costs, 6) whether the carrier will run a credit check or require a deposit, including the amount, and 7) which company will bill for the carrier. SBC requests that the Commission specifically reject these proposed requirements.

First and foremost, the Commission did not put the public on notice in the *Further Notice* that it would consider adopting TPV requirements in addition to those specifically enumerated in the notice. Rather, the *Further Notice* only asks parties to comment on the specific TPV requirements identified in paragraphs 111 -113. None of the proposed Ohio TPV requirements were specifically identified nor fall within the scope of the Commission's proposed additional requirements. As such, Ohio's proposed TPV requirements must be rejected on procedural grounds.

Second, Ohio's proposed TPV provisions far exceed the purpose of a TPV. The Commission's verification requirements, whether for LOAs or TPVs, were adopted to prevent the practice of slamming and only slamming. Ohio's proposed changes do not address slamming, but whether a carrier has properly informed a customer of all the relevant and applicable terms pertinent to the selected telecommunications service. In essence, Ohio's proposed requirements speak to whether a carrier has engaged in any deceptive marketing practices to lure the customer into making a carrier change. The TPV, however, is not the appropriate vehicle for addressing such issues. Importantly, consumers have ample remedies under federal and state laws to adjudicate deceptive marketing practices. To the extent Ohio is concerned with deceptive marketing practices of carriers operating in Ohio, it can exercise its authority to resolve those issues.

Third, the proposed requirements would negatively impact customers. Based on SBC's experience, customers are often annoyed that they have to complete a TPV in the first place to effectuate their request and are eager to have the TPV completed as quickly as possible. Ohio's proposed requirements would exacerbate customer frustration. Consumers would be forced to

listen to a regurgitation of everything covered during the sales solicitation which necessarily would double and potentially triple the length of the existing TPV process to the utter dismay of customers. The carrier change process should be as easy and seamless for the customer as possible. Ohio's proposed requirements unquestionably undermine these public interest goals without any discernable benefit to customers.

Fourth, TPV vendors do not have access to the information Ohio proposes to be included in the TPV. Given the varied contract offerings for carrier services, a TPV vendor would have no method of confirming exactly what terms and conditions were agreed to during the sales solicitation. As the Commission is aware, carriers often lower their prices and waive certain terms and conditions due to competitive necessity, rendering it virtually impossible for the TPV vendor to comply with Ohio's proposed requirements. Moreover, Ohio failed to provide any details regarding how a carrier and its TPV vendor should implement its proposed requirements. The Commission, accordingly, should reject these obtuse proposals.

For the foregoing reasons, SBC requests that the Commission not adopt any of the additional TPV requirements proposed in the *Further Notice* and reject Ohio's proposed TPV requirements.

Respectfully Submitted,

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June 17, 2003

CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 17th day of June 2003, Reply Comments of SBC Communications Inc. in Docket No. 94-129, were served first class mail - pre-paid postage to the parties attached.

/s/ Loretia Hill
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